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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,330	04/05/2000	Julie Rae Kowald	169.1658	6705
5514	7590	01/14/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CHIEU, PO LIN	
			ART UNIT	PAPER NUMBER
			2615	
DATE MAILED: 01/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/543,330	KOWALD, JULIE RAE	
Examiner	Art Unit	
Polin Chieu	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 October 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-71 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,5-7,9,11,13,16-23,26,27,30-37,39 and 42-71 is/are rejected.

7) Claim(s) 3,4,8,10,14,15,24,25,28,29,38,40 and 41 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 22-37, filed 10/27/03, with respect to the claims have been fully considered and are persuasive. The rejections of the claims have been withdrawn; therefore, this Action is Non-Final.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21 and 54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 21 and 54 claim an edited video sequence. Mere video data that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition [MPEP 2136 IV B 1 (b) from 2100-13 to 2100-14].

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5-7, 9, 11-13, 16-18, 22-23, 26-27, 30-33, 35, 39, 42-44, and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Iggulden et al (5,696,866).

Regarding claims 1 and 22, Iggulden et al discloses extracting characteristic data associated with each clip from the sequence, the characteristic data including at least time data related to the corresponding duration (col. 9, lines 10-19); processing means for processing the characteristic data according to at least one predetermined template of editing rules to for editing instruction data (col. 10, line 57 – col. 12, line 16), said editing rules comprising at least a predetermined cutting format configured to form edited segments based on a plurality of predetermined segment durations (col. 12, line 17 – col. 13, line 16); and processing the video sequence according to the editing instruction data to form an edited sequence of the edited segments (col. 10, line 57 – col. 12, line 16).

Regarding claims 2, 7, 23, and 35, Iggulden et al discloses that said cutting format providing for the formation of the edited segments each comprising one of at least a first duration and a second duration and for discarding of at least a portion of each said clip (col. 12, line 17 – col. 13, lines 16), and wherein an initial interval of a predetermined (third) duration is discarded from each of the clip prior to formation of the edited segments from a remainder of the clips (col. 10, line 57 – col. 12, line 16); and a output means for receiving the edited sequence (fig. 1). The other limitations of claim 35 were previously discussed in the art rejection of claims 1 and 22.

Regarding claims 5-6, 26, and 43, Iggulden et al discloses that the edited sequence is formed from a time sequential combination of the segments based upon a

predetermined cutting pattern formed using segments of the first duration and the second duration (fig. 9); wherein the predetermined cutting pattern comprises alternate first duration segments and second duration segments (col. 12, lines 45-55).

Regarding claim 9, Iggulden et al discloses an internal interval of a predetermined (fourth) duration is discarded from at least one of the clips from which at least two of the edited segments are to be formed, the internal interval separating portions of the clip from which the two edited segments are formed (fig. 9).

Regarding claim 11, Iggulden et al discloses that the formation of the edited segments comprises cutting the segments from the clips (fig. 9).

Regarding claims 12-13, 27, and 39, Iggulden et al discloses that the formation of the edited segments comprises cutting a portion from at least one of the clips and modifying a reproduction duration of the portion to correspond with one of the first duration and the second duration, wherein the cutting and modifying are performed when the portion has a reproduction duration within a predetermined range of one of the first and second durations (col. 10, line 57 – col. 12, line 16).

Regarding claims 16, 30, and 42, Iggulden et al discloses that the editing rules comprise an edited duration during which the edited segments are to be reproduced and from which a number of the edited segments is determined based on the first and second durations (col. 10, line 57 – col. 13, line 16).

Regarding claims 17 and 32, Iggulden et al discloses that the segment duration are determined using a beat period of a soundtrack to be associated with the edited sequence (col. 6, line 53 – col. 7, line 20).

Regarding claim 18, Igulden et al discloses that the characteristic data comprises data accompanying the video sequence (fig. 9).

The limitations of claim 31 were discussed in the art rejection of claim 6 (note: the claim states "or a psuedo-random selection", thereby only requiring some of the limitations of the claim to be met for an art rejection).

Regarding claim 33, Igulden et al discloses that the characteristic data comprises data selected from data accompanying the video sequence; and data formed by analyzing comprising at least one of time analysis (col. 12, line 17 – col. 13, line 16), image analysis, sound analysis and motion analysis (col. 5, line 45 – col. 8, line 59).

The limitations of claim 44 were discussed in the art rejection of claims 5-6. Please refer to the art rejection of claims 5-6. Note: "one of X and Y" is considered to be an alternative statement allowing either X or Y to satisfy the limitation "one of".

Regarding claim 71, Igulden et al discloses that the one template is selected from a plurality of templates each comprising different combinations of editing rules (col. 12, lines 45-55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al in view of Nakatani et al (5,784,521).

Regarding claim 19, Iggulden et al does not disclose incorporating a title matte as part of the edited sequence.

Nakatani et al teaches incorporating a title (fig. 6E-F). Further it is well known in the art to incorporate a title on a matte background.

It would have been highly desirable to insert a title in the video so that the video segments can be identified by the viewer. For example, if the edited segment is a movie, then the title of the movie can be inserted.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a title matte in the device of Iggulden et al.

7. Claims 20, 34, 45-48, 55-57, and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al in view of Nakatani et al and Yaegashi et al (5,956,453).

Regarding claims 20, 34, and 45, Iggulden et al discloses examining the time data for each clip to identify those of the clips that are associable by a predetermined time function, the associable clips being arranged into corresponding groups of clips (col. 12, line 17 – col. 13, line 16); and identifying at least a beginning and a conclusion (fig. 9). However, Iggulden et al does not disclose identifying at least one title location; and incorporating the inserted title.

Yaegashi et al teaches grouping associative clips (CUTS) into corresponding groups of clips (SCENE, fig 6B); and identifying at least one of a beginning (605) and a conclusion (611) of each said group as a title location.

Nakatani et al teaches inserting the title into the sequence, as discussed previously. Since Yaegashi et al separates the video into separate scenes, using the text feature of Nakatani et al title data can be inserted by examining at least one of corresponding time data and further characteristic data to generate the insert title including at least a text component (e.g. "scene 1").

It would have been highly desirable to organize the clips as shown in figure 6B so that the device generates an automated grouping of cuts, scenes, and motion pictures. Since the cuts are set by the device, the user does not have to go through the process of setting cuts manually.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to organize the clips as described above, and insert titles in the device of Iggulden et al.

Regarding claims 46, 55, and 63, Iggulden et al teaches examining the time data for each clip to identify those of the clips that are associative by a predetermined time function, the associative clips being arranged into corresponding groups of clips (col. 12, line 17 – col. 13, line 16); and identifying at least one of a beginning and a conclusion of each said group as a title location (fig. 9). However, Iggulden et al does not disclose examining time data and further data to generate an insert title including at least a text component; and incorporating the insert title into the sequence at the title location

Nakatani et al teaches inserting the title into the sequence and Yaegashi et al teaches grouping cuts into scenes, as discussed previously. Since Yaegashi et al separates the video into separate scenes, using the text feature of Nakatani et al title data can be inserted corresponding to time data and further data (e.g. "scene 1").

It would have been highly desirable to organize the clips as shown in figure 6B so that the device generates an automated grouping of cuts, scenes, and motion pictures. Since the cuts are set by the device, the user does not have to go through the process of setting cuts manually. It would have been highly desirable to insert titles in the sequence corresponding to time data and further data so that scene numbers and cut numbers can be inserted into the video so that the editor easily recognizes scenes and cuts, thereby making editing easier.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to organize the clips a described above, and insert titles in the device of Yaegashi et al.

Regarding claim 47, 56, and 64, Iggulden et al discloses that the predetermined time function comprises associating any two sequential clips with a group when the period between real-time conclusion of one of the clips and the real-time commencement of the following clip is less than a predetermined (first) duration (col. 12, line 17 – col. 13, line 16).

Regarding claims 48, 57, and 65, Iggulden et al does not disclose that the further data comprises user provided data.

Yaegashi et al discloses an editing device that allows the user to change cuts as desired (col. 3, line 25 – col. 4, line 2). Therefore, the user can associate any two sequential clips with a group when the period between the real time conclusion of one said clip and the real time commencement of the following said clip is less than a predetermined first duration. Since the user can set cuts, the further data is considered to be provided by the user (fig. 5).

It would have been highly desirable to have user provided data so that the user can edit the cuts in the case that commercial segments have been missed or improperly identified.

Therefore, it would have been highly desirable to a person of ordinary skill in the art at the time of the invention to have a user provided data in the device of Igulden et al.

8. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igulden et al.

Regarding claim 36, Igulden et al discloses that the supply means comprises a storage arrangement configured to couple the video sequence to the extraction means (120, fig. 1). However, Igulden et al does not disclose a display device and a further storage arrangement.

Igulden et al discloses a VCR providing audio and video outputs (fig. 1). It is well known that a VCRs outputs can be connected to at least one of a display device (i.e. a TV) by which the edited sequence is viewable and a further storage arrangement for storing the edited sequence (i.e. another VCR).

Regarding claim 37, the characteristic data comprises metadata (col. 9, line 10 – col. 10, line 6), the extracting means forming a metadata file of the video sequence based upon each said clip, the metadata file forming an input to the processing means (col. 9, line 49 – col. 10, line 6), at least the processing means comprising a computer device operable to interpret the metadata file according to the rules to form the edited instruction data (114).

9. Claims 49-50, 58-59, and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iguldgen et al in view of Nakatani et al, Yaegashi et al, and Yoshida (5,515,101).

Regarding claims 49-50, 58-59, and 66-67, Iguldgen et al does not disclose generated data comprising a title selected from a title database consisting of individual words or phrases.

Yoshida teaches further data comprising generated data formed by analyzing the corresponding said clip and examining the data to select from a rule-based group of alternatives at least one title component from a title database, the title components collectively the inserted titles (col. 7-9), wherein the title components are selected from the group consisting of individual words or phrases (col. 7-9), the title components being configured for selecting in response to rule-based examination of the data.

It would have been highly desirable to select a title from a title database to that the titles do not have to be generated by the user; and commonly used titles are easily available.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to select titles consisting of individual words or phrases from a title database in the device of Iguldgen et al.

10. Claims 51-54, 60-62, and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaegashi et al in view of Nakatani et al, Yaegashi et al, Yoshida, and Miyazaki et al (6,546,187).

Regarding claims 51-53, 60-62, and 68-70, Iguldgen et al does not disclose that the title database comprises a plurality of typeset configurations and a graphical database of graphical objects; and a matte background permitting superimposition of the inserted title upon the clip.

Miyazaki et al teaches a title database with a graphical database of graphical objects configured for inclusion in the inserted title (figs. 6-9); a plurality of typeset configurations applicable to the title components to modify a visual impact of the inserted title (figs. 6-9); and a matte background permitting the superimposition of the inserted title upon the clip (figs. 6-9).

It would have been highly desirable to have the graphical objects, typeset configurations, and a matte background so that the user has a plurality of options to select from to make the clips more interesting.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a plurality of typeset configurations, graphical objects, and a matte background in the device of Iguldgen et al.

The limitations of claim 54 were discussed in the art rejection of claims 46-53.

Please refer to the art rejection of claims 46-53.

Allowable Subject Matter

11. Claims 3-4, 8, 10, 14-15, 24-25, 28-29, 38, and 40-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Iggyulden discloses a commercial elimination device; and Ebisawa discloses an editing device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-Th 8:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

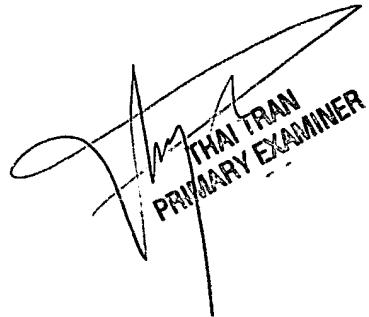
Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Technology Center 2600 Customer Service Office
whose telephone number is (703) 306-0377.

PC
January 9, 2004



THAI TRAN
PRIMARY EXAMINER